

**CITY OF HELENA**  
**REGULAR CITY COMMISSION MEETING**  
**March 25, 2013**  
**6:00 P.M.**

***Time & Place***

A regular City Commission meeting was held on Monday, March 25, 2013 at 6:00 p.m., in the Commission Chambers, 316 N. Park Avenue, Helena, Montana.

***Members Present***

Mayor Smith indicated for the record that Commissioners Elsaesser, Ellison, Thweatt and Haque-Hausrath were present. City Manager Ron Alles, City Attorney Jeff Hindoien and Deputy City Clerk Robyn Brown were present.

***Pledge of Allegiance***

Mayor Smith asked those persons present to please stand and join him in the pledge of allegiance.

***Minutes***

The minutes of the regular City Commission meeting of March 11, 2013 were approved as submitted.

***Board Appointments***

**BOARD APPOINTMENTS:**

- A. Non-Motorized Travel Advisory Council and Tourism Business Improvement District

Non-Motorized Travel Advisory Council (NMTAC) - Appointment of Katie Gallagher to a first term on NMTAC; term will begin upon appointment and expire March 31, 2016. Appointment of Corey Richardson to an unexpired term on NMTAC; term will begin upon appointment and expire March 31, 2015.

Tourism Business Improvement District (TBID) - Reappointment of Marti Bara and Jena Sabatini to second terms on the TBID. Terms will begin upon appointment and expire April 20, 2017.

**Public comment**

Mayor Smith asked for public comment, none was received.

**Motion**

**Commissioner Thweatt moved approval of the board appointments to NMTAC and TBID as listed above.** Commissioner Haque-Hausrath seconded the motion. All voted aye, motion carried.

***Consent Agenda***

**CONSENT AGENDA:**

- A. Claims
- B. Resolution authorizing the donation of K9, Miky, to retiring Sergeant John Fosket **Res #19989**
- C. Consider final passage of Ordinance No. 3174 amending the Official Helena Zoning Map for a zone change from R-3 (Residential) to B-2 (General Commercial) District for 1111, 1107 and 1101 11th Avenue **Ord #3174**
- D. Acceptance of pledged collateral for City deposits at financial institutions
- E. Resolution declaring tangible personal property owned by the City of Helena to be surplus property and authorizing the sale of that property **Res #19990**

City Manager Ron Alles recommended approval of the claims and the consent agenda.

Public comment Mayor Smith asked for public comment, none was received.

**Motion** **Commissioner Ellison moved approval of items A through E on the consent agenda.** Commissioner Haque-Hausrath seconded the motion. All voted aye, motion carried.

***Bid Award*** BID AWARD:  
A. 9<sup>th</sup> Avenue Water Main Replacement Project, City Project #12-21

Staff Report City Engineer Ryan Leland reported the water main in 9<sup>th</sup> Avenue between Montana Avenue and Roberts Street has experienced 6 leaks since 2009. The water main is old cast iron that is experiencing corrosion by cathotically active soils and is in need of replacement. The project proposes to replace the existing main with a 8" PVC main; PVC is the preferred pipe material where soils are corrosive to metal pipe.  
City staff opened 7 bids for the project on March 4, 2013. Hard Rock Road Building and Utilities, Inc. of Helena was the lowest responsible bidder with a bid of \$156,400; Mr. Leland recommended they receive the bid award.

Public comment Mayor Smith asked for public comment, none was received.

**Motion** **Commissioner Haque-Hausrath moved to award the 9<sup>th</sup> Avenue Water Main Replacement Project, City Project #12-21 to the lowest, responsible bidder, Hard Rock Road Building and Utilities Inc. in the amount of \$156,400.** Commissioner Ellison seconded the motion. All voted aye, motion carried.

***Communications*** COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS  
Commissioner Ellison commended the city's progress toward protecting the Tenmile Flume. He also congratulated the Mayor on performing in Helena's Saturday Night Live.  
Mayor Smith reported that today is Recycle Montana Day and described events being held at the Capitol.

***Report of the City Attorney*** REPORT OF THE CITY ATTORNEY  
No report was given.

***Report of the City Manager*** REPORT OF THE CITY MANAGER  
A. Introduction of Assistant Chief of Police Steve Hagen

City Manager Alles asked Police Chief Troy McGee to introduce newly promoted Assistant Chief Steve Hagen. Chief McGee gave Assistant Chief Hagen's background with the Helena Police Department (HPD) and spoke in support of his promotion. Assistant Chief Hagen thanked Chief McGee and Manager Alles for the opportunity to serve in his new capacity.

Mayor Smith and the Commission congratulated Assistant Chief Hagen on his promotion.

B. Retirement of Sergeant John Fosket and K9 Miky

Chief McGee introduced Sergeant Fosket and gave his work history. He then congratulated him on his retirement and noted he would be missed at the Police Department.

The Commission wished Sergeant Fosket well and thanked him for his service to the City of Helena.

HPD Captain Livesay reported there had been an unfounded report of an armed student at Helena High School today.

***Report from the  
Helena Citizens  
Council***

REPORT FROM THE HELENA CITIZENS COUNCIL  
No report was given.

***Regular Items***

REGULAR ITEMS:

A. CONSIDER A RESOLUTION OF INTENTION TO ESTABLISH FEES TO BE CHARGED FOR PARK USE AND RECREATION SERVICES AND PROGRAMS IN HELENA CITY PARKS.

Staff Report

Parks & Recreation Director Amy Teegarden reported last February the City Commission adopted Resolution #19902 establishing fees to be charged for park use and recreation services and programs. The fee resolution was based on administrative guidelines that incorporate the principles of cost recovery and levels of community/individual benefits. The appropriate level of cost recovery is based on an assessment of who benefits from the service provided. The resolution also combined and listed existing recreation fees into the same fee schedule.

After nearly a year of implementation, staff has identified changes needed to the existing resolution. These changes are the result of identifying inconsistencies in the fee schedule; clarifying fee names or categories; finding that some services/fees had been left out of the resolution all together, and the addition of new services or facilities.

The resolution would provide for a consistent implementation of policy and collection of fees. Collected fees will generate funding for a "park improvement" fund and help to recover costs associated with providing the services and/or facilities.

Director Teegarden recommended approval of the resolution of intention and requested the Commission set a public hearing date of April 8, 2013.

Public comment

Mayor Smith called for public comment; none was received.

**Motion**

**Commissioner Ellison moved approval of the resolution of intention to establish fees to be charged for park use and recreation services and programs in Helena City Parks, and set a public hearing date for April 8, 2013.** Commissioner Thweatt seconded the motion. All voted aye, motion carried. **Res #19991**

B. CONSIDER A RESOLUTION REQUESTING MAIL BALLOT ELECTIONS FOR CITY PRIMARY AND GENERAL ELECTIONS.

Staff Report

City Attorney Jeff Hindoi reported the Helena City Commission approved Resolution No. 19821, including Section 3 regarding the mailing timeline, requesting the election administrator use mail ballots for the City's 2009 elections.

City staff is recommending the Commission adopt a resolution requesting the Lewis & Clark County Clerk and Recorder, as election administrator for City elections, use mail ballots to conduct the City's primary election, if held, on September 3, 2013, and its general election on November 5, 2013. The proposed resolution further requests that the Lewis & Clark County Clerk and Recorder, as election administrator for City elections, use AutoMARK machines for city elections or other comparable and available technology for voters who may need or desire to use same, absent a sufficient change in law and/or pertinent circumstances to justify failure or refusal to use the same.

The ballots shall be mailed no sooner than the 19th day before the election.

Attorney Hindoi noted the use of mail ballots may result in higher voter turnout and would reduce costs of conducting the elections because election judges are not required.

Discussion

Commissioner Ellison stated he used to be old-fashioned about elections and voting at your polling place; however, Commissioners Thweatt, Hauque-Hausrath and himself were all elected by mail ballot. He spoke in support of the proposal as it results in increased participation by the public and decreases election costs to the city.

Public comment

Mayor Smith called for public comment; none was received.

Motion

**Commissioner Hauque-Hausrath moved approval of a resolution requesting a mail ballot election for the City's 2013 Primary and General Elections.** Commissioner Ellison seconded the motion. All voted aye, motion carried. **Res #19992**

**Public Communications**

PUBLIC COMMUNICATIONS

No public communications were given.

**Meetings of Interest**

MEETINGS OF INTEREST

The next Administrative Meeting is April 3, 2013 and the next Commission Meeting is April 8, 2013.

**Adjournment**

There being no further business to come before the Commission, the meeting was adjourned at 6:46 p.m.

ATTEST:

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Mayor James E. Smith

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Clerk of the Commission